

## SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** International Parkway Small Scale Land Use Amendment from Office to Planned Development and Rezone from OP to PUD

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord

**CONTACT:** Ian Sikonia

**EXT:** 7398

**MOTION/RECOMMENDATION:**

1. APPROVE the request for a Small Scale Land Use Amendment from OFF (Office) to PD (Planned Development) and a rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, approve the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents; (YRG Hotel Group II, LLC, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from OFF (Office) to PD (Planned Development) and a rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway and authorize the Chairman to execute the Denial Development Order; (YRG Hotel Group II, LLC, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 Brenda Carey

Ian Sikonia

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**BACKGROUND:**

The applicant is requesting a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and a rezone from OP (Office) to PUD (Planned Unit Development) on approximately 8.15 acres, located on the northwest corner of the intersection of International Parkway and CR 46A. The requested zoning and land use will allow for a maximum 263 unit Hotel with conference facilities or a Target Industry Use as defined in FLU Exhibit 23, a sit down restaurant, and limited Commercial / Office Uses to be designated at the time of Final Master Plan.

On the proposed Preliminary Master Plan, the applicant is proposing two access points on International Parkway and one access point on CR 46A to serve the development. The Development Review Committee has reviewed the proposed access points and has concluded that it is unable to recommend approval of the two access points on International Parkway due to Land Development Code regulations. Therefore, staff is recommending approval of one access point onto International Parkway, as well as one access point on CR 46A, to serve the proposed development.

The Development Order has also been modified since the Planning and Zoning Commission meeting requiring the applicant to provide permitted uses for Tracts A and B at

the time of Final Master Plan instead of Preliminary Master Plan. These conditions of approval are contained in the attached Development Order.

**PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:**

The Planning and Zoning Commission met on June 6, 2007 and voted 7 to 0 and recommended APPROVAL of the request for a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, and recommended approval of the attached Preliminary Master Plan, subject to the modification of condition K and N as follows:

Condition K: The west buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive aisles or parking stalls. However, all areas west of the Hotel building will be green space. The buffer shall consist of tall plantings such as "Queen Palms, with 2 canopy Trees, 2 Understory Trees, and 17 shrubs per 100 feet.

Condition N: There shall be ~~one~~ two access points located on International Parkway no closer than 250 feet from the intersection of CR 46A. ~~shall meet Seminole County requirements unless otherwise approved by the County Engineer.~~

**STAFF RECOMMENDATION:**

Staff recommends the Board approve the request for a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, approve the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings.

**ATTACHMENTS:**

1. Staff Report
2. Location Map
3. Land Use and Zoning Map
4. Aerial Map
5. Preliminary Master Plan
6. Approval Development Order
7. Ordinance
8. Ordinance
9. Justification Statement
10. Letter in Opposition
11. Denial Development Order
12. Minutes

**Additionally Reviewed By:**



County Attorney Review ( Kathleen Furey-Tran, Kimberly Romano )

<b>International Parkway / Westin SSLUA and Rezone</b>		
<b>APPLICANT</b>	YRG Hotel Group II, LLC	
<b>PROPERTY OWNER</b>	YRG Hotel Group II, LLC	
<b>REQUEST</b>	SSLUA from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development)	
<b>PROPERTY SIZE</b>	8.15 ± acres	
<b>HEARING DATE (S)</b>	P&Z: June 6, 2007	BCC: July 24, 2007
<b>PARCEL ID</b>	31-19-30-300-019D-0000, 31-19-30-300-019E-0000, 31-19-30-300-019F-0000, 31-19-30-300-019G-0000	
<b>LOCATION</b>	Located at the northwest section of the intersection of CR46A and International Parkway.	
<b>FUTURE LAND USE</b>	Office (OFF)	
<b>ZONING</b>	OP (Office)	
<b>FILE NUMBER</b>	Z2007-01	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

### **Proposed Development:**

The applicant is proposing a commercial development consisting of a maximum 263 room hotel with conference facilities or a Target Industry Use as defined in FLU Exhibit 23, a sit down restaurant, and limited Commercial / Office Uses to be designated at the time of Final Master Plan.

### **CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:**

### **FLU Element Plan Amendment Review Criteria:**

The Future Land Use Element in the Comprehensive Plan lays out certain criteria that proposed future land use amendments must be evaluated against. Because this is a small area Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

**A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.**

### **Staff Evaluation**

The subject property is located between several larger Planned Unit Developments, Colonial Town Park PUD (east), Colonial Center Heathrow (South), and the Grande Oaks PUD (west). The subject property is located between Lake Mary Boulevard and SR 46 which consists of Office and Commercial employment centers. A Land Use change from OFF to PD on the property would be a compatible change to support the existing employment centers in the area with the proposed Hotel and support commercial / office uses.

Staff finds that the character of the area has changed enough to warrant a land Use change from Office to Planned Development on the subject property.



**B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.**

**C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.**

**D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).**

**Staff Evaluation**

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering. However, there appears to be no wetlands or flood prone areas on the subject property

The subject property is not located within any special or restrictive district.

**E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.**

**Staff Evaluation**

The subject property is a vacant parcel which is situated in an area of commercial growth. West of the property is the Grande Oaks PUD which consists of a townhome subdivision. East of the property is the Colonial Town Park which consists of Office, Commercial, and Multi-Family dwelling units. South of the subject site is the Colonial Center Heathrow PUD which consist of Office, Commercial, and Residential uses. North of the property is a day care facility.

Staff finds that the proposed Preliminary Master Plan demonstrates a compatible transition from the townhome community to the west by applying appropriate buffering standards and setbacks to mitigate the impacts of the proposed development.

**F. Whether the proposed use furthers the public interest by providing:**

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

**Staff Evaluation**

The subject property is in an urban area with adequate public facilities. Therefore, the applicant is not proposing any additional facility improvements. Staff is proposing setback and buffering standards that are in excess of the Seminole County Land Development Code requirements. The applicant's proposal does not consider affordable housing, mass transit, nor reduction in transportation impacts.

The economic impact of a Hotel / Target Industry Use in this area will help support the employment centers located along International Parkway. This area of the county has seen significant growth over the past several years which has fostered one of the main economic engines of Seminole County.

**G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.**

The following are other applicable Vision 2020 Policies and Exhibits and staff's evaluation:

**Policy FLU 2.5: Transitional Land Uses**

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

## **Staff Evaluation**

*Exhibit FLU: Appropriate Transitional Land Uses* (see attached table) in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is in an urban area, with the Grande Oaks PUD to the west, Colonial Center Heathrow to the south, and the Colonial Town Park PUD to the east. The Colonial Town Park PUD and the Colonial Center Heathrow PUD have approved uses of multi-family, commercial, and office. The Colonial Town Park and Colonial Center Heathrow PUDs are a compatible transitional land use, per *Exhibit FLU: Appropriate Transitional Lands Uses*.

*Exhibit FLU: Appropriate Transitional Land Uses* states that Medium Density Residential Land Use can be an appropriate transitional land use using sensitive site design. The Grande Oaks PUD to the west has a land use of Planned Development. However, the development consists of medium density residential housing similar to the Medium Density Residential Future Land Use Designation. Staff has proposed buffering and setback standards which mitigate the impacts of the proposed development deeming it a compatible transitional use.

## **ANALYSIS OVERVIEW:**

### **ZONING REQUEST**

The applicant is requesting a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) for a commercial development on 8.15± acres, located on the north west corner of the intersection of CR 46A and International Parkway. The requested zoning and land use will allow for a maximum 263 room hotel or a Target Industry Use, a sit down restaurant, and limited Commercial / Office Uses to be designated at the time of Final Master Plan.

The following tables depict the minimum regulations for the current zoning district of OP (Office) and the requested district of PUD (Planned Unit Development):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (OP)</b>
Minimum Lot Size	15,000 sq. ft.
Minimum House Size	N/A
Minimum Width at Building Line	100 feet
Front Yard Setback	25 feet
Side Yard Setback	0 feet
(Street) Side Yard Setback	25 feet
Rear Yard Setback	10 feet
Maximum Building Height	35 feet

<b>DISTRICT REGULATIONS</b>	<b>Proposed Zoning (PUD)</b>
Minimum Lot Size	N/A
North Property Line Building Setback	45 feet
East Property Line Building Setback	45 feet
South Property Line Building Setback	45 feet
West Property Line Building Setback	See table below*
Maximum Building Height	110 feet

\* The west property line building setback varies depending on Building Height.

<b>West Property Line Setback</b>	
Building Height (feet)	Building Setback (feet)
35	10
45	15
55	20
65	25
75	30
85	35
90	40
95	45
105	55
110	60

#### **PERMITTED & SPECIAL EXCEPTION USES**

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

<b>Uses</b>	<b>OP (existing)</b>	<b>PUD (proposed)</b>
Permitted Uses	Dental and medical clinics, dental and medical laboratories, General office buildings, Insurance, real estate, architects, engineering, attorneys, and other professional business services, Accounting, auditing and bookkeeping services, finance offices, Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings, Churches and attendant educational buildings, Day care facilities, kindergartens, Public and private elementary schools, middle schools and high schools, Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.	263 room hotel or a Target Industry Uses (FLU Exhibit-23), a sit down restaurant, and limited Commercial / Office Uses to be designated at the time of Final Master Plan.

Uses		OP (existing)	PUD (proposed)
Special Exception Uses	Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage, Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted, Public utility and service structures, Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet, Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required, Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required, Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet, Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet, Communication towers.		N/A
Minimum Lot Size		15,000 sq. ft.	N/A

#### COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the requested uses to determine compatibility with surrounding developments, and has determined the request is compatible. The subject site is unique due to its adjacency to the employment centers located along I-4 from Lake Mary Boulevard to SR 46. The surrounding properties consist of the Colonial Town Park PUD, Colonial Center Heathrow PUD (F.K.A. Heathrow International Business Center), and a daycare facility. The recently approved Gunter Village PUD is located approximately 1/4 mile to the north. The three PUDs in the immediate area all allow hotels and a mixture of office and commercial uses, such as those proposed on the subject property. The proposed project will also provide support commercial services to the existing businesses and residential subdivisions in the surrounding area.

Staff has also reviewed the proposed maximum building height of 110' to determine if it is compatible with surrounding developments. In May of 2005, the property to the west of the subject property (Grande Oaks Townhomes, F.K.A. Florence Arbor) received approval of a Future Land Use Amendment from Office to Planned Development and a rezone from A-1 to PUD. The Development Order for the Grande Oaks project required the development to provide an Active Buffer, including a 50 foot setback and 25 foot landscape buffer with a 6-foot masonry wall, along the east property line where residential uses were being proposed next to existing Office Future Land Use. The Grande Oaks Development Order also allowed 5-story condominium units with a maximum building height of 60 feet on the eastern half of the property and a small commercial/office outparcel adjacent to the subject property. At the time of Final Master Plan, however, the developers of Grande Oaks limited the development to two- and three-story townhomes.

The proposed maximum building height of 110 feet is not unusual for the surrounding area. There are three County approved projects within a quarter mile radius of the subject site that allow for a maximum building height from 70 feet to 110 feet. The three approved projects are the Gunter Village PUD to the north, Colonial Town Park PUD to the east, and the recently annexed portion of the Colonial Center Heathrow PUD to the south. These PUDs allow for residential, office, and hotel uses to achieve the maximum building heights of 70 feet to 110 feet.

Staff is proposing conditions within the attached Development Order which are sensitive to the residents to the west, while being compatible with the developing areas to the east, north and south. The proposed setbacks along the west property line increase as the height of the buildings increase. Structuring the condition this way allows for the bulk of the building height to be concentrated on the eastern portion of the subject property, away from the townhome development to the west.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map 12117C0040E, with an effective date of April 17, 1995, as well as preliminary DFIRMs, there appears to be no 100 year floodplains on the subject property.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

### *Endangered and Threatened Wildlife:*

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Zoning (OP)*</b>	<b>Proposed Development (PUD)<sup>1</sup></b>	<b>Net Impact</b>
Water (GPD)	10,240	68,250	+58,010
Sewer (GPD)	10,240	51,813	+41,573
Traffic (ADT)	1,059	2,189	+1,130

\* Numbers are based on the previously approved OP zoning (PZ89-14) on the property.

<sup>1</sup> Proposed PUD Development is based on 263 room hotel and 25,000 sq. ft. of commercial uses.

### *Utilities:*

The site is located in the Northwest utility service area, and will be required to connect to public utilities. There is an 8-inch water main on the west side of International Pkwy. and a manhole with an 8-inch gravity sanitary sewer stub-out on the west side of International Parkway. There is a 20-inch reclaimed water main on the west side of International Parkway.

### *Transportation / Traffic:*

The property proposes access onto International Parkway, which is classified as a collector roadway. International Parkway is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

### *School Impacts:*

The proposed project will not generate any school impacts.

### *Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #34, which is located at 4905 Wayside Drive. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

### *Drainage:*

The proposed project is located within the Yankee Lake Drainage Basin, and does not appear to have limited downstream capacity. As an area of most effective recharge, at a minimum, the site will have to be designed to hold the pre-post volume difference for the 25 year/24 hour event and 3" over directly connected impervious area.

### *Parks, Recreation and Open Space:*

The applicant will need to designate 2.04 acres of open space, per Section 30.451 (e) of the Land Development Code. The 2.04 acres of open space was calculated using the entire site and not calculated using individual parcels. The specific locations of open space will be designated at the time of Final Master Plan approval.

### *Buffers and Sidewalks:*

The following are the proposed buffers which were adapted to the site and derived from the proposed Land Development Code buffer requirements.

#### North Buffer:

The buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive isles or parking stalls. The buffer shall consist of 3 Canopy Trees, 6 Understory trees, and 45 shrubs per 100 feet.

#### West Buffer:

The buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive isles or parking stalls. The buffer shall consist of tall plantings such as "Queen Palms, with 2 Canopy Trees, 2 Understory Trees, and 17 shrubs per 100 feet.

#### South Buffer:

The buffer shall be a minimum of 15 feet wide, which may go down to 10 feet when adjacent to internal drives or parking stalls. The buffer shall consist of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.



East Buffer:

The buffer shall be a minimum of 10 feet wide consisting of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.

The internal buffers between parcels shall be a minimum of 10 feet wide and shall meet the Seminole County Landscape Code. The south and east buffers were designed to accommodate and encourage pedestrian interaction with the physical environment and the Seminole Wekiva Trail. Additional amenities such as park benches, shall also be installed in the south and east buffers to help foster pedestrian interaction with the physical environment. The required number of plantings may be modified to accommodate these pedestrian amenities upon approval by the Planning Manager.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

**SPECIAL DISTRICTS**

The subject property is not located within any special district or overlay.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

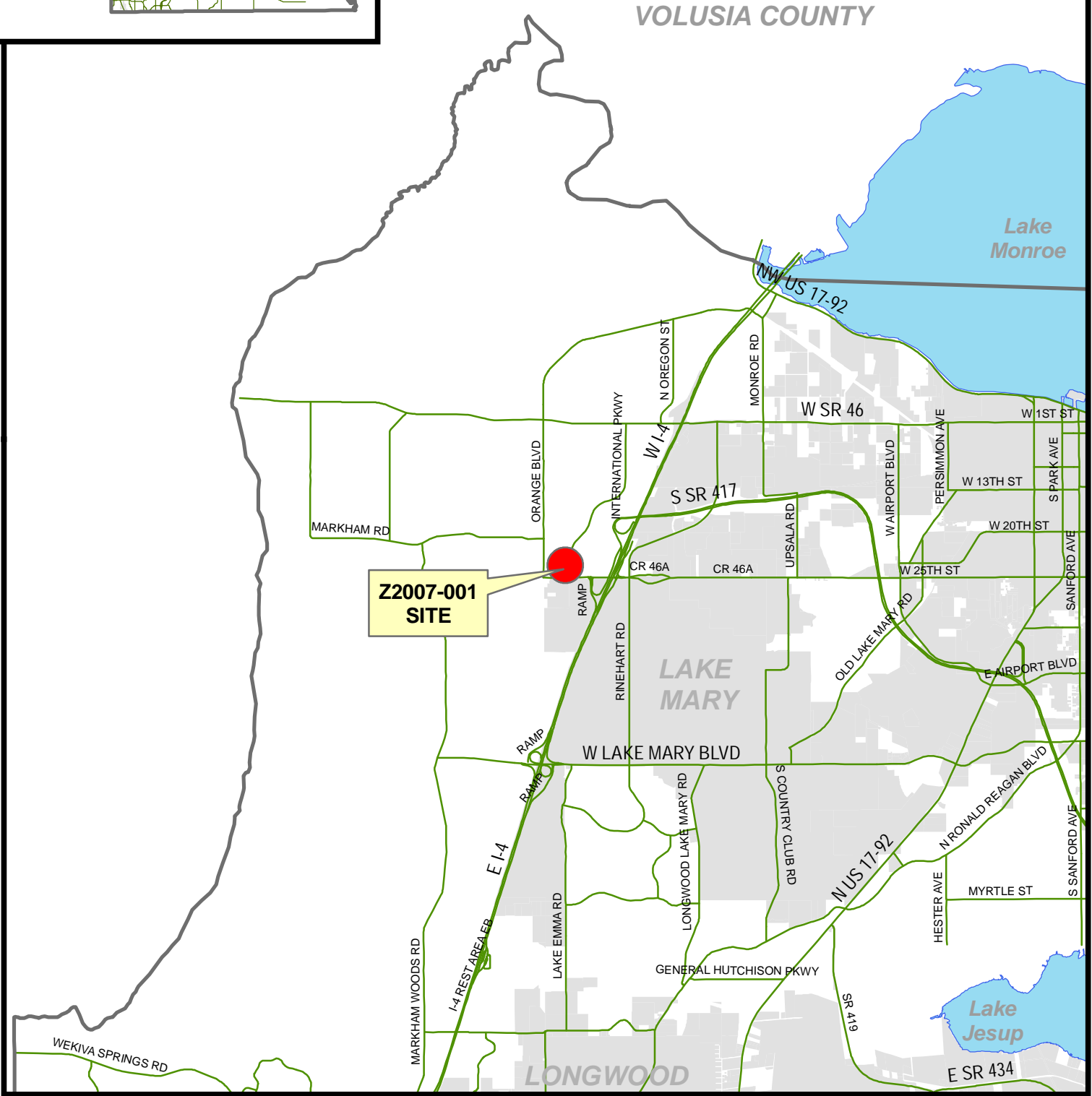
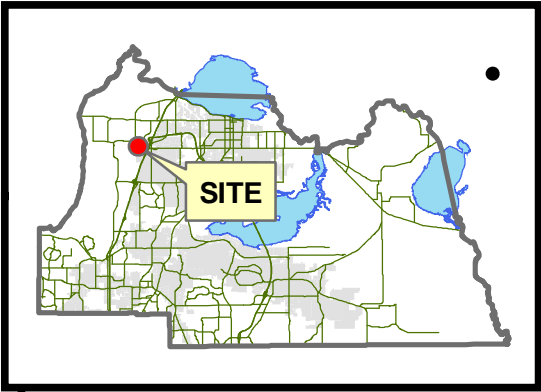
Policy FLU 2.5:	Transitional Land Uses
Policy FLU 2.11:	Determination of Compatibility in PUD and PCD Zoning Classifications
Policy FLU 4.2:	Infill Development
Policy FLU 12.4:	Relationship of Land Use to Zoning Classifications
Policy PUB 2.1:	Public Safety Level-of-Service
Policy POT 4.5:	Potable Water Connection
Policy SAN 4.4:	Sanitary Sewer Connection
Policy PUB 2.1:	Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

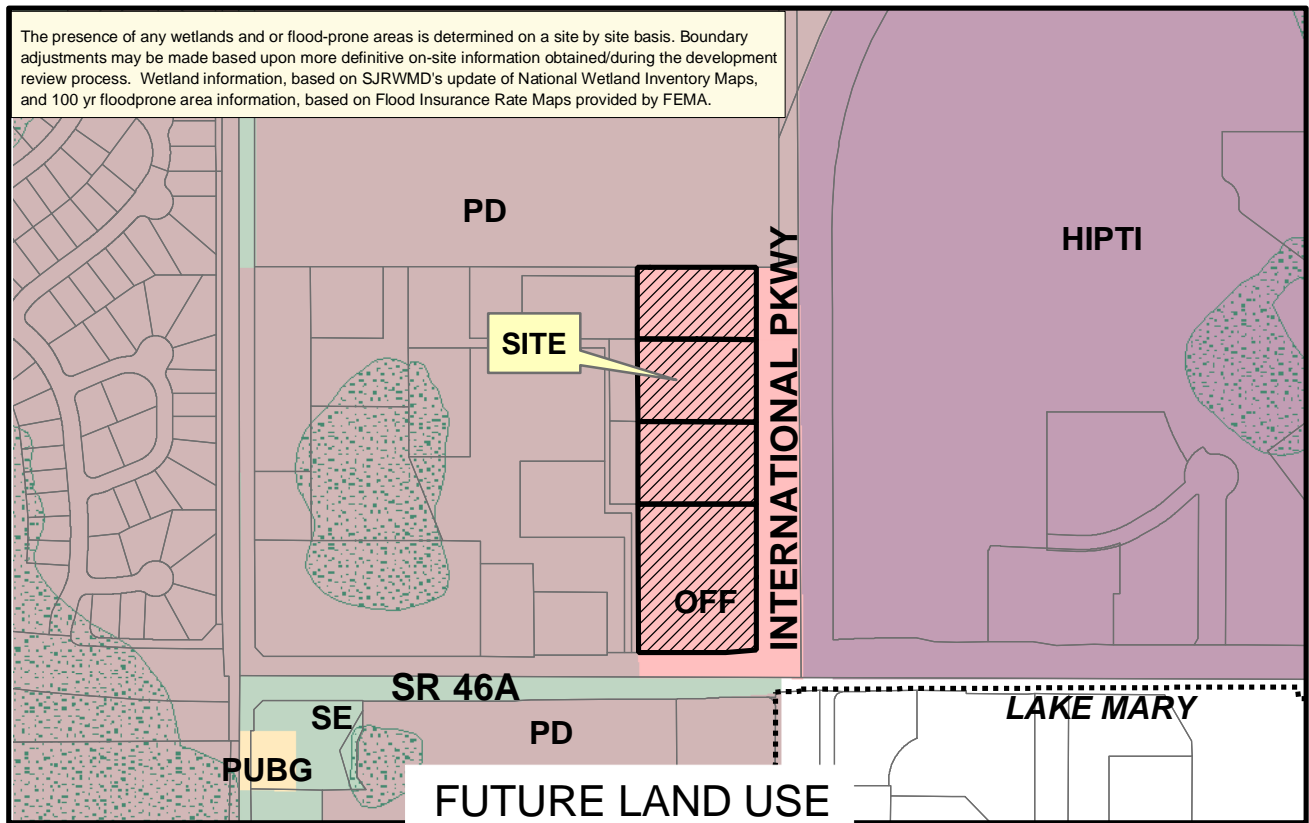
Intergovernmental notice was sent to the City of Lake Mary on May 7, 2007.

**LETTERS OF SUPPORT OR OPPOSITION:**

At this time, Staff has received one letter in opposition of the request.



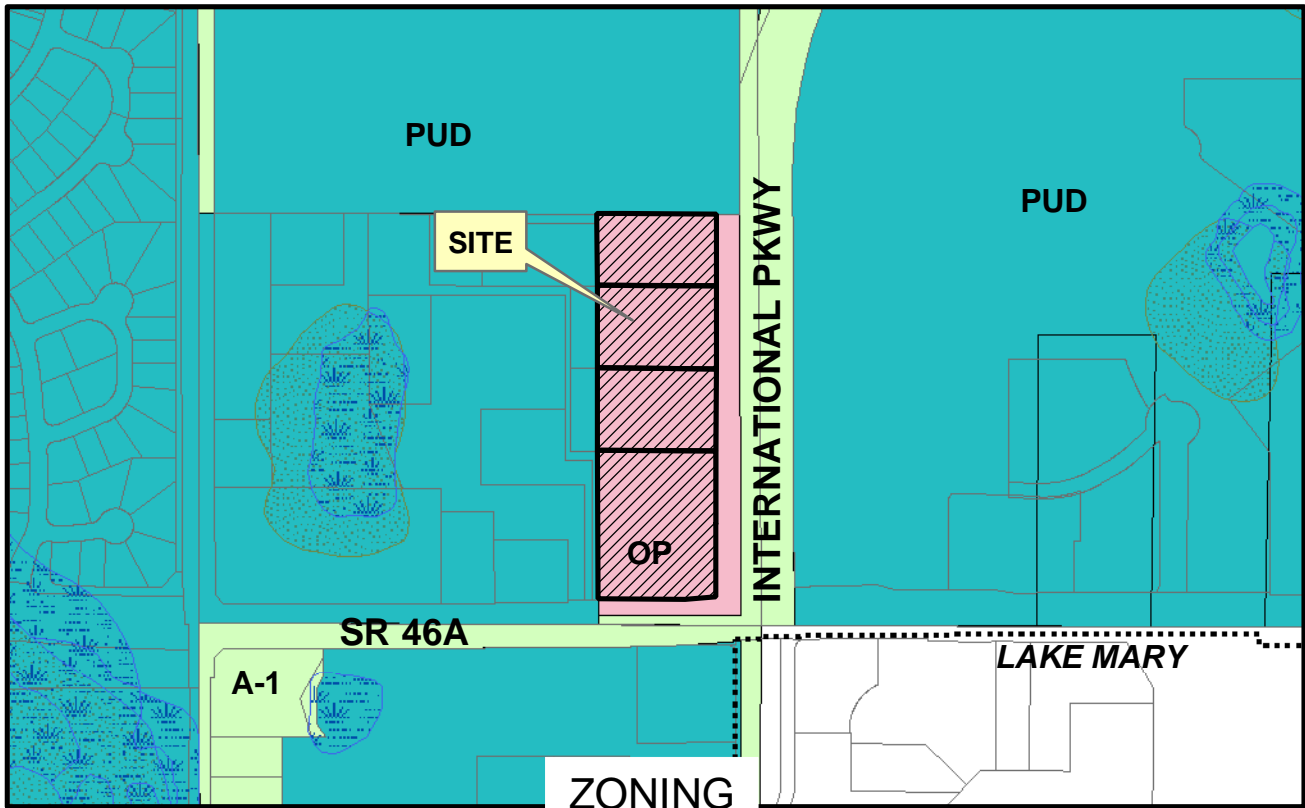
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



SE PD OFF HIPTI PUBG Site Municipality CONS

Applicant: Rick Blackburn, YRG Hotel Grp II  
 Physical STR: 31-19-30  
 Gross Acres: 8.34 +/- BCC District: 5  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	01-07SS.01	OFF	PD
Zoning	Z2007-001	OP	PUD

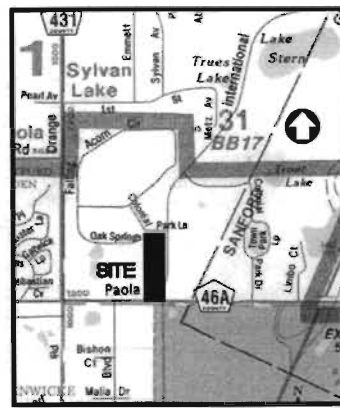


A-1 OP PUD FP-1 W-1









VICINITY MAP  
N.T.S.

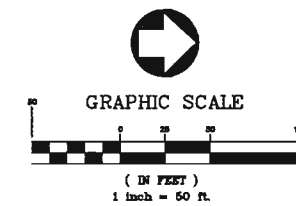
LAND USE:  
PROJECT SITE:  
8.15± ACRES  
PARCEL A:  
1.2± ACRES  
PARCEL B:  
1.2± ACRES  
PARCEL C:  
5.2± ACRES  
A MINIMUM OF 25% OPEN SPACE SHALL BE MAINTAINED, TO INCLUDE ALL GREEN SPACE.  
TOTAL REQUIRED OPEN SPACE = 8.15±0.25 = 2.04 ACRES (PARCELS A, B, AND C COMBINED).

SOILS LEGEND:  
(2) ADAMSVILLE - SPARR FINE SANDS  
(6) ASTATULA - APOPKA FINE SANDS, 0 TO 5 PERCENT SLOPES  
(31) TAVARES - MILLHOPPER FINE SANDS, 0 TO 5 PERCENT SLOPES

- NOTES:
- EXISTING FUTURE LAND USE DESIGNATION: PD  
PROPOSED FUTURE LAND USE DESIGNATION: PD  
EXISTING ZONING: OP  
PROPOSED ZONING: PUD
  - PERMITTED USES:  
PRIMARY: HOTEL WITH CONFERENCE FACILITIES AND OTHER CUSTOMARY IN-BUILDING FACILITIES SUCH AS A RESTAURANT, BAR, AND RETAIL GIFT SHOP; TARGET INDUSTRY USES AS INDICATED IN COMPREHENSIVE PLAN FLU EXHIBIT-23.  
SECONDARY: THE FOLLOWING SUPPORT USES ARE PERMITTED ONLY AS SECONDARY USES IN CONJUNCTION WITH THE HOTEL/TARGET INDUSTRY USES: A SIT DOWN RESTAURANT AND LIMITED COMMERCIAL/OFFICE USES, TO BE DESIGNATED AT FINAL MASTER PLAN.  
NOTE: BUILDING SETBACKS TO BE 45' ALONG ALL EXTERNAL PROPERTY LINES (NORTH, SOUTH, AND EAST), EXCEPT ALONG THE WEST PROPERTY LINE WHERE THE BUILDING SETBACKS SHALL BE AS FOLLOWS:  

BUILDING HEIGHT	BUILDING SETBACK
35	10
45	15
55	20
65	25
75	30
85	35
95	40
105	45
110 (MAX. HEIGHT)	50

  
INTERNAL PROPERTY LINES (SIDE SETBACKS) MIN. 10' BUILDING SETBACK AND LANDSCAPE BUFFER.  
NOTE: ANTICIPATED MAXIMUM BUILDOUT - 283 ROOM HOTEL AND 25,000 S.F. OF COMMERCIAL SUPPORT USES.
  - PROPOSED DEVELOPMENT WILL HAVE NO EFFECT UPON SCHOOLS.
  - PUBLIC UTILITIES ARE AVAILABLE FOR THIS DEVELOPMENT. PROPOSED WATER, RECLAIMED WATER, AND SEWER TIE-IN LOCATIONS ARE LABELED. APPROXIMATE WATER USAGE - 48,848 GPD; APPROXIMATE SEWER USAGE - 41,865 GPD. FOR TRAFFIC DATA, SEE ATTACHED TPD STUDY.
  - THERE ARE NO JURISDICTIONAL WETLANDS OR FLOOD-PRONE AREAS ON THIS SITE.
  - EXISTING GROUND CONTOUR LINES ARE FROM A SURVEY PREPARED BY TRIPLEPAUGH SURVEYING SERVICES, INC.
  - LANDSCAPE BUFFERS:  
NORTH AND WEST - A MINIMUM AVERAGE OF 10-FOOT WIDE, THAT MAY GO DOWN TO 5 FEET WIDE WHEN ADJACENT TO INTERNAL DRIVE ISLES OR PARKING STALLS. PLANTINGS SHALL INCLUDE:  
WEST BUFFER-SHALL INCLUDE TALL PLANTINGS SUCH AS "QUEEN PALMS", WITH 2 CANOPY TREES, 2 UNDERSTORY TREES, AND 17 SHRUBS PER 100 FEET.  
NORTH BUFFER-SHALL INCLUDE 3 CANOPY TREES, 8 UNDERSTORY TREES, AND 46 SHRUBS PER 100 FEET.  
SOUTH-A MINIMUM AVERAGE OF 15' WIDE, THAT MAY GO DOWN TO 10 FEET WHEN ADJACENT TO INTERNAL DRIVES OR PARKING STALLS.  
EAST-10' MINIMUM BUFFER; PLANTINGS SHALL INCLUDE (SOUTH AND EAST PROPERTY LINES): 2 CANOPY TREES, 10 UNDERSTORY TREES, AND 40 SHRUBS PER 100 FEET. ADDITIONAL AMENITIES SUCH AS PARK BENCHES, SHALL BE INSTALLED IN THE SOUTH AND EAST BUFFERS TO ENCOURAGE PEDESTRIAN INTERACTION WITH THE PHYSICAL ENVIRONMENT AND THE SEMINOLE WEDDING TRAIL. THESE AMENITIES SHALL BE DETERMINED AT THE FINAL MASTER PLAN STAGE. THE REQUIRED PLANTING NUMBERS MAY BE MODIFIED TO ACCOMMODATE THESE PEDESTRIAN AMENITIES UPON APPROVAL BY THE PLANNING MANAGER. THE INTERNAL 10' LANDSCAPE BUFFERS BETWEEN PARCELS SHALL MEET THE SEMINOLE COUNTY LANDSCAPE CODE.
  - A PEDESTRIAN, BICYCLE, AND VEHICULAR LINKAGE PLAN WILL BE PROVIDED.
  - NONRESIDENTIAL (FAR) TO BE 1.0 OR LESS.
  - FIRE PROTECTION PROVIDED BY SEMINOLE COUNTY.
  - PROPOSED PARCEL PROPERTY LINES AND ACCESS POINTS ARE SUBJECT TO MOVE DURING THE FINAL MASTER PLAN PROCESS. PARCELS MAY BE COMBINED AS ONE PARCEL IF NEEDED FOR A SPECIFIC END USER.
  - A WAIVER IS REQUESTED FOR THE ACTIVE/PASSIVE BUFFER REQUIREMENTS ALONG THE WEST PROPERTY LINE, SINCE THE PROJECT TO THE WEST ALREADY INCORPORATED THIS REQUIREMENT INTO THEIR DESIGN (D.O.#04-23000002).
  - A WAIVER IS REQUESTED TO THE MINIMUM PARKING SPACE SIZE (10'x20') TO 6'x20' TO ALLOW FOR THE MAXIMUM PRESERVATION OF ON-SITE OAK TREES. A 2' OVERHANG WILL ALSO BE PERMITTED WHEN STALLS ARE ADJACENT TO LANDSCAPE BUFFERS.
  - ALLOWABLE MAXIMUM BUILDING HEIGHT - 110 FEET.
  - STORM WATER RETENTION WILL MEET SEMINOLE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT CRITERIA.
  - THERE WILL BE TWO RIGHT IN/RIGHT OUT ONLY ACCESS POINTS OFF INTERNATIONAL PARKWAY AND ONE RIGHT IN/RIGHT OUT ONLY ON 46A. PER THE DEVELOPMENT REVIEW DIVISION, ACCESS POINTS WILL BE A MINIMUM OF 200' E.O.P. TO E.O.P. FROM THE INTERSECTION. FINAL ACCESS POINT LOCATIONS TO BE DETERMINED AT FINAL MASTER PLAN.



**MADDEN**  
CIVIL ENGINEERS  
431 E. Horatio Avenue  
Suite 260  
Maitland, Florida 32751  
(407) 829-8330

PRELIMINARY MASTER PLAN  
FOR  
**LAKE MARY WESTIN**  
SEMINOLE COUNTY, FLORIDA

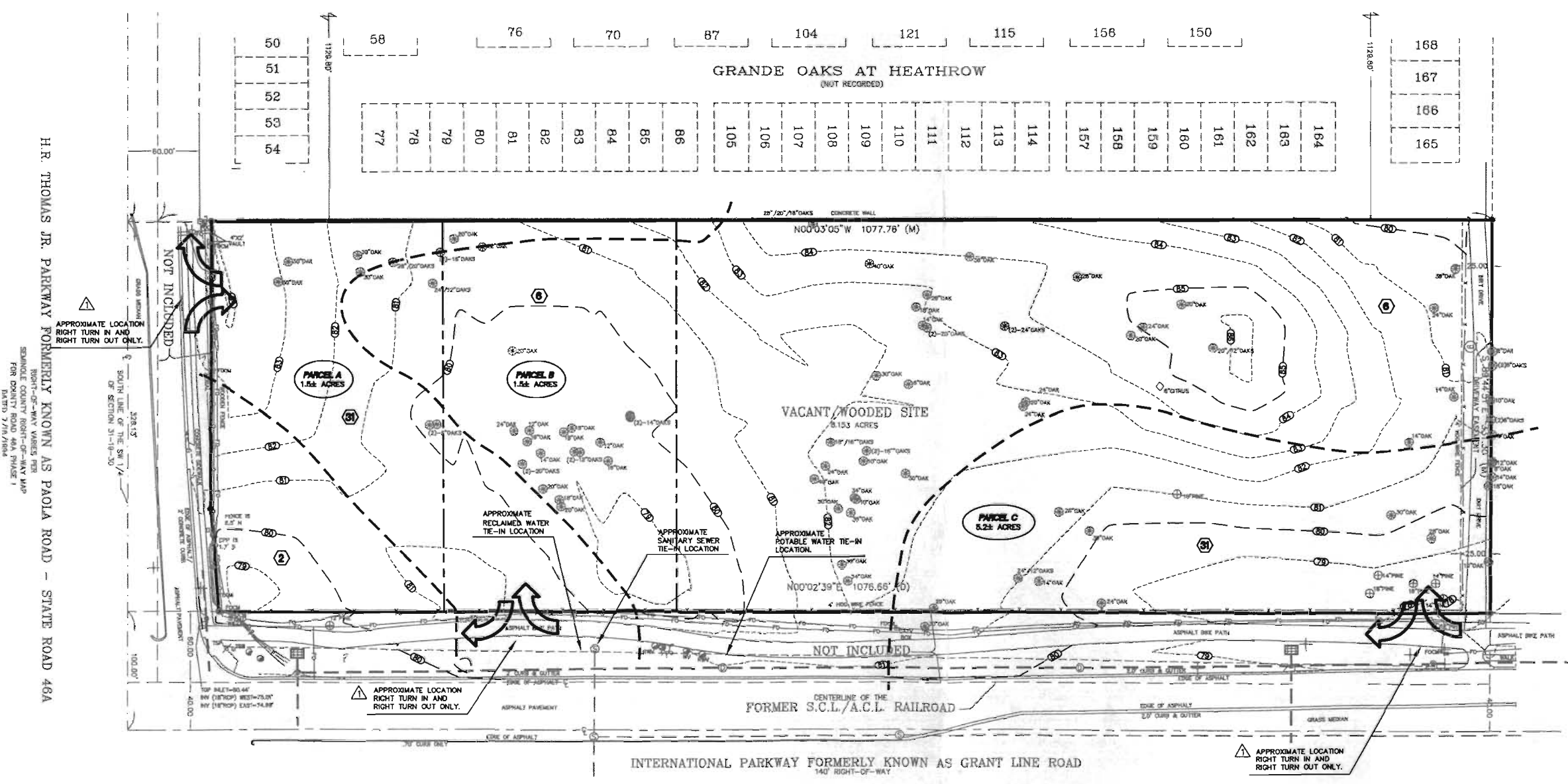
CLIENT  
YRG HOTEL GROUP II, LLC  
4709 CALUMET DRIVE  
KNOXVILLE, TN 37919  
(865) 521-3931

ENGINEER IN CHARGE:  
APR 23 2007  
CHADWICK H. MOORHEAD P.E. #61781  
CERTIFICATE OF AUTHORIZATION NO. EB-0007723

DATE	REVISIONS
12/22/07	COUNTY REVIEW COMMENTS
04/16/07	COUNTY REVIEW COMMENTS
04/20/07	COUNTY REVIEW COMMENTS
04/23/07	COMMERCIAL AREA

JOB # 26151  
DATE: 12/15/06  
SCALE: 1" = 50'  
DESIGNED BY: CHM  
DRAWN BY: RHM  
APPROVED BY: CHM

PMP-1



RECEIVED APR 23 2007

## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On July 24, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** YRG Hotel Group II, LLC  
6000 Memorial Parkway  
Huntsville, AL 35801

**Project Name:** International Parkway Westin PUD

**Requested Development Approval:**

Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:  
Ian Sikonia, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED.**

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. Permitted Uses shall consist of the following;
  - Parcels A and B shall consist of a combined maximum 25,000 square feet of support uses such as a sit down restaurant and limited Commercial / Office uses, which are permitted only as secondary uses in conjunction with the Hotel / Target Industry Use. The specific uses permitted will be designated at the time of Final Master Plan.
  - Parcel C shall consist of a maximum 263-room hotel with conference facilities and other customary in-building facilities such as a restaurant, bar with alcoholic beverage sales, and a retail gift shop, or a Target Industry Use as indicated in the Comprehensive Plan FLU Exhibit 23. Any proposed Target Industry Use must have the same or fewer impact to public facilities (water, sewer, traffic) as the proposed hotel. Any use that will have greater impacts to public facilities is considered a Major Amendment to the PUD. If a Target Industry Use other than a hotel is proposed on Parcel C, the developer is required to submit public facility impact calculations acceptable to the Planning Manager, to determine if a Major Amendment is required.
- c. Maximum allowable building height shall be 110 feet.

- d. The Building Setback along the west property line shall be as follows:

<u>Building Height</u>	<u>Building Setback</u>
35	10
45	15
55	20
65	25
75	30
85	35
90	40
95	45
105	55
110	60

- e. Building setbacks along the North, South, and East external property lines shall be 45'.
- f. Internal building setbacks from internal lot lines shall be a minimum of 10 feet.
- g. Buffers adjacent to internal lot lines shall be a minimum of 10 feet and meet Seminole County Land Development Code requirements.
- h. Nonresidential FAR shall be a maximum of 1.0 or less.
- i. A pedestrian, bicycle, and linkage plan shall be provided at time of Final Master Plan.
- j. The north buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive aisles or parking stalls. The buffer shall consist of 3 Canopy Trees, 6 Understory trees, and 45 shrubs per 100 feet.
- k. The west buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive aisles or parking stalls. The buffer shall consist of tall plantings such as "Queen Palms, with 2 Canopy Trees, 2 Understory Trees, and 17 shrubs per 100 feet.
- l. The south buffer shall be a minimum of 15 feet wide, which may go down to 10 feet when adjacent to internal drives or parking stalls. The buffer shall consist of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.
- m. The east buffer shall be a minimum of 10 feet wide consisting of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.
- n. Additional amenities such as park benches shall be installed in the south and east buffers to encourage pedestrian interaction with the physical environment and the Seminole Wekiva Trail. The required number of plantings for the south and east buffers may be modified to accommodate these pedestrian amenities upon approval by the Planning Manager. These amenities shall be determined at the Final Master Plan Stage.
- o. There shall only be one access point located on International Parkway which shall meet Seminole County requirements unless



otherwise approved by the County Engineer. If 2 access points are approved on International Parkway by a waiver to the BCC they shall meet separation requirements of the Land Development Code.

- p. There shall be one access point on CR 46A as shown on Exhibit B which shall meet the requirements of the Land Development Code.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman, Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, YRG Hotel Group II, LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Rick Blackburn, Director of Development

\_\_\_\_\_  
Witness

**STATE OF FLORIDA     )**

)

**COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Rick Blackburn who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A****DESCRIPTION****LEGAL DESCRIPTION**

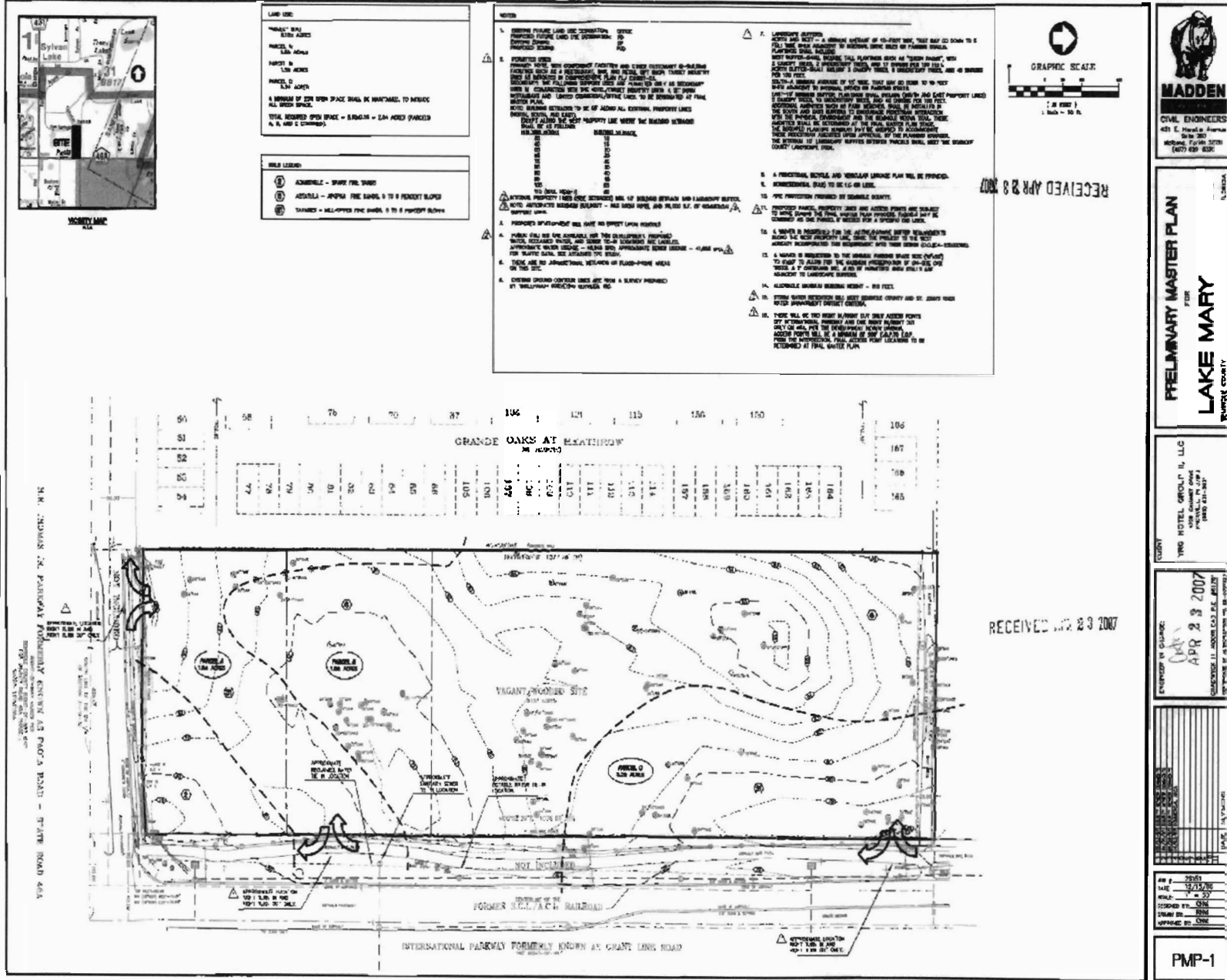
A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LESS AND EXCEPT THAT PART DEEDED TO SEMINOLE COUNTY IN OFFICIAL RECORDS BOOK 3708, PAGE 579 (GRANTLINE ROAD FROM C.R. 46-A TO S.R. 46; OWNER: TOWN CENTER COMMERCIAL DEVELOPMENT ASSOC.; PARCEL #141), CONSTITUTING A PORTION OF THOSE CERTAIN PARCELS OF LAND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2014, PAGES 1291, 1293 AND 1295 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**EXHIBIT B**



**AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM OFFICE TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on June 6, 2007, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on July 24, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE

LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

(b) The associated rezoning request was completed by means of Ordinance Number 07-\_\_\_\_\_.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by



the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 24<sup>th</sup> day of July, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

—

Carlton Henley, Chairman

**APPENDIX A****LEGAL DESCRIPTION**

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE OP (OFFICE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "International Parkway/Westin Rezone", dated July 24, 2007.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from OP (Office) to PUD (Planned Unit Development):

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #07-22000001 in the Official Land Records of Seminole County.

ENACTED this 24th day of July 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

## **EXHIBIT A LEGAL DESCRIPTION**

### **LEGAL DESCRIPTION**

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**HUTCHISON, MAMELE & COOVER, P.A.**

ATTORNEYS AND COUNSELORS AT LAW

WILLIAM C. HUTCHISON, JR. (1928-1991)  
\* RICHARD L. MAMELE  
STEPHEN H. COOVER

\* BOARD CERTIFIED  
MARITAL & FAMILY LAW

PARK-FULTON BUILDING, 230 NORTH PARK AVENUE  
POST OFFICE BOX 1149

SANFORD, FLORIDA 32772-1149  
14071 322-4061  
FAX (407) 330-0966

March 22, 2007

April Boswell  
Planning Manager  
Seminole County Government  
1101 E. First Street  
Sanford FL 32771

Re: YRG Hotel Group II, LLC/Westin

Dear Ms. Boswell:

This office represents YRG Hotel Group II, LLC. As requested, please find our position statement to support our applications previously filed with Seminole County.

**JUSTIFICATION STATEMENT**  
**FOR PROPOSED FUTURE LAND USE AMENDMENTS**

**Tax Parcel Id #'s:**

31-19-30-300-019D-0000  
31-19-30-300-019E-0000  
31-19-30-300-019F-0000  
31-19-30-300-019G-0000

**Introduction**

YRG Hotel Group II, LLC has applied to Seminole County, Florida to change the future land use designation of an 8.3 acre site at the northwest corner of International Parkway/46A from OP to PUD. A portion of the property is planned to be utilized by an anchor target industry Westin hotel, a brand of Starwood Hotels and Resorts Worldwide, Inc., the largest luxury and upscale hotel enterprise in the world. The balance of the site is planned for retail/commercial/office use to support the target industry hotel. Applicant has been asked to address the Future Land Use Element Plan Amendment Standards of Review, the definition of Planned Development, and Policy FLU 2.11. A copy of our application and all attachments are incorporated herein for purposes of information to be used by staff.

## Analysis

The Vision 2020 Comprehensive Plan ("the Plan") presents four (4) major categories of Plan policies concerning standards of review, summarized as follows:

- A. Programs.
- B. Regulations.
- C. Development Policies.
- D. Coordination.

The Applicant does not believe that categories A or D require any discussion by the applicant and does believe that staff can adequately address these topics for the Board of County Commissioners ("BCC"), except to say that existing government services and facility programs are in place and no additional coordination activities will be required for the proposed uses.

Category B, regulations for managing growth and protecting the environment applicable to this discussion consist of meeting compatibility requirement's by providing adequate setbacks, buffers and landscaping to the adjacent townhouse development to the west of the site and providing a professional analysis of the recharge capability of the site, the latter not being complete as of March 13, 2007. The site is adjacent to a townhouse development currently under construction and commonly known as Grande Oaks. In order to discuss the compatibility issue, a short background on the Grande Oaks development is necessary. Prior to receiving development approvals for Grande Oaks, the Seminole County future land use designation for the property was office. Seminole County Development Order #04-23000002 concerning the Grande Oaks property contained the following:

1. Allowing a maximum of 19,500 square feet of retail/office.
2. Requiring a two (2) story height limit on the western 120 feet.
3. Requiring development over 3 stories be limited to the eastern 532 feet.
4. Requiring a 50 feet setback and 25 feet landscape buffer adjacent to the east property line.
5. Allowing height limits as follows:
  - a. Townhomes – 40 feet
  - b. Condominiums – 60 feet
  - c. Office/Retail – 40 feet without further BCC approval of architectural standards

The Developer's Commitment Agreement for Grande Oaks recorded in OR Book 6263 beginning at Page 310 contains authorization for only townhouse lots having a minimum lot size of 1300 square feet. The BCC envisioned the

Grande Oaks property as office based upon its' proximity to International Parkway. Obviously, the owners of Grande Oaks initially sought a use which would have been transitional from Heathrow and residential uses to the west to the intensity of International Parkway as shown in their Development Order, but due to the residential market being in vogue in 2005, they elected to place residential on the entire site, providing no transition for the applicant's site on International Parkway. Appropriately, Seminole County attempted to mitigate the damage to the YRG Hotel Group II, LLC parcel by requiring Grande Oaks to provide fifty (50) foot setbacks on the east side.

The applicant should not be penalized by the decision of Grande Oaks to go all residential. The regulations in the Plan relating to compatibility can be met with reasonable setback, buffers and landscaping combined with those provided by Grande Oaks. Compatibility would not even be a discussion but for the Grande Oaks land use change. The applicant and staff have agreed upon a setback/buffer/landscape plan which will permit Seminole County to receive a target industry and a much needed luxury hotel with approximately 13,000 square feet convention/meeting space adjacent to its' HIP-TI district (See "Exhibit 1").

The applicant believes the proposed land use change is not only appropriate, but one (1) of the uses is listed as one (1) of Seminole County's target industries. In order for Seminole County to receive national luxury hotel participation, some intensity will be required in proximity to major roadways such as I-4 and SR 417. This will be a requirement of any major hotelier. This site is adjacent to the HIP-TI district, some of the most intense uses in the county and an area in distinct need of upscale hotels and meeting space to accommodate the existing 4,000,000 square feet and proposed 8,000,000 square feet of Class A office space. Currently, this area has only one (1) hotel, the Lake Mary Marriott, to satisfy this need.

The applicant also believes that the Plan would only require an individual site compatibility analysis. The applicant would address criteria A-F (at FLU-63) as follows:

- A. There should be no disagreement that the character of the surrounding area has changed enough to warrant a different land use.
- B. Public services and facilities are in place and at adopted levels of service.
- C. Although significant depth of the site was transferred to Seminole County for right of way for International Parkway and for the Seminole County trail program, the site is suitable in size and location for the proposed uses. The site will be able to comply with all county regulations for development.
- D. There are no special laws applicable to the site.
- E. The proposed uses are compatible with surrounding development when combined with setbacks, buffers and landscaping. The applicant is entitled to receive fair treatment on this issue because it did not cause residential to become an adjacent use.
- F. The proposed use furthers the public interest by:



1. Providing significant public facilities for convention and meeting space.
2. Providing economic development through desirable luxury hotel rooms, convention and meeting space to support existing and future Class A office needs in the area, providing new jobs, additional tourist tax revenues and the opportunity of additional synergy from each of the foregoing.
3. The proposed land use change furthers existing BCC policies relating to target industry (upscale hotel) and substantial convention/meeting space for the area, allowing for additional Class A office and other target industry to locate in Seminole County.

The applicant has proposed a PUD land use to allow for non-residential development containing a hotel and retail/commercial/office uses. FLU Element Definitions (FLU - 76) contemplates a variety of land uses, intensities and structures within the discretion of the BCC. The proposed use is consistent with this Plan element. Certain special provisions enumerated in the Plan (FLU - 77) may require added discussion as follows:

D. Compatibility with Adjacent Uses. Because of the Grande Oaks townhouse development to the west, the applicant and staff have created the setbacks, buffers and landscape plan set forth in Exhibit "1" attached to create a compatible use or uses.

F. Non-residential Uses in Excess of 10 Percent (10%) Discouraged. Clearly, greater non-residential uses are justified to serve the area. Indeed, residential uses at this site would not be compatible with surrounding uses and roads.

Concerning the proposed hotel height adjacent to Grande Oaks townhouses, the applicant is proposing to develop a 263 room Westin hotel. Westin provides prototype architectural requirements which require that the proposed use be allowed a minimum height of 95 feet up to a maximum of 110 feet. These types of heights are visible up and down International Parkway and have been authorized but not constructed in the same area. The applicant believes that when it approved the land use change, Seminole County envisioned the Grande Oaks development as a transitional parcel from the residential areas west of Orange Blvd., however, due to the market the owners of Grande Oaks elected not to obtain permitting for office or retail uses, providing only setbacks and buffers to the obvious intensity of International Parkway. With this in mind, the applicant has proposed and staff has agreed to the conditions in Exhibit "1" to address the hotel height adjacent to the townhouses.

Very truly yours,



Stephen H. Coover

SHC/nad

**Sikonia, Ian**

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**From:** Blaine Darrah [bdarrah3@cfl.rr.com]  
**Sent:** Monday, June 11, 2007 9:47 AM  
**To:** Lockhart, Amy; Sikonia, Ian  
**Subject:** Heathrow HOA Input on International Parkway / Westin Rezone

Brenda Carey and all Seminole County Commissioners,  
 Ian Sikonia, Seminole County Planning and Development,

The following is input for your consideration on the proposed request for a Small Scale Land Use Amendment from Office to Planned Development and rezoning from Office to Planned Unit Development on 8.15 acres at the northwest corner of International Parkway and CR46A and approval of the Preliminary Master Plan for the site. The request is proposing a maximum 263 unit Hotel (Westin) and a maximum of 25,000 sq. ft. of accessory commercial or office uses. It is scheduled to come to the BCC for consideration at the 7/24/07 meeting.

The applicant requested approval of two access points on International Parkway and one access point on CR46A (all would be right turn in and right turn out). The Development Review Committee and the County Staff recommended only one access point on International Parkway and none on CR46A.

In the 6/6/07 meeting the Planning and Zoning Commission ruled in favor of the applicant on the access issue.

(1) The Heathrow Master Homeowner's Association requests the Board of County Commissioners to overturn the decision by the P&Z Commission and remove the access point on CR46A. Since the only median break in CR46A is west of this parcel (at the entrance to Grande Oaks) any traffic exiting the parcel heading to I-4 or Sanford will have to immediately cross any traffic westbound on CR46A and then make a U-turn to move in the eastbound direction. This adds unnecessary congestion on to CR46A and presents a safety hazard. That traffic should exit the parcel on International Parkway and use the existing traffic signals at the International Parkway / CR46A intersection to safely access eastbound CR46A.

(2) Apparently the County Engineers have not approved a median break near the northern end of this parcel on International Parkway. We respectfully suggest that a median break be installed on International Parkway - directly opposite the second entrance to Colonial Town Park. This would facilitate southbound traffic exiting Colonial Town Park and could serve the hotel and commercial uses on this parcel for entry and for northbound exiting traffic. With the potential of access points to SR417 and the Wekiva Parkway on International Parkway many hotel guests may need access to International Parkway northbound to get to the airports - Sanford and Orlando.

Respectfully submitted,  
 Blaine Darrah  
 Heathrow Government Affairs Chairman

6/11/2007

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On July 24, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

**FINDINGS OF FACT**

**Property Owner:** YRG Hotel Group II, LLC  
6000 Memorial Parkway  
Huntsville, AL 35801

**Project Name:** International Parkway/Westin PUD

**Requested Development Approval:**

Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "International Parkway/Westin PUD Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD); and rezone from OP (Office) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on July 24, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

**ORDER**

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:  
The aforementioned application for development approval is DENIED.  
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD  
OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Carlton D. Henley, Chairman

EXHIBIT A

## DESCRIPTION

## LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31; THENCE NORTH 00°02'42" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 31 FOR 25.00 FEET; THENCE SOUTH 89°44'51" EAST ALONG THE NORTH RIGHT-OF-WAY OF STATE ROAD 46A (PAOLA ROAD) AND ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 31 FOR 1129.80 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°02'42" WEST, 1122.74 FEET; THENCE SOUTH 89°44'51" EAST, ALONG THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST AND ALONG THE SOUTHERLY LIMITS OF THE TOWN OF PAOLA, PER PLATS THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4, PLAT BOOK 2, PAGE 73 AND PLAT BOOK 2, PAGE 98, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, FOR A DISTANCE OF 391.94 FEET; THENCE SOUTH 00°06'26" WEST, ALONG THE CENTERLINE OF THE ABANDONED RIGHT-OF-WAY OF THE SCL/ACL RAILROAD FOR 1122.74 FEET; THENCE NORTH 89°44'51" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD FOR 388.96 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART DEEDED TO SEMINOLE COUNTY IN OFFICIAL RECORDS BOOK 3708, PAGE 579 (GRANTLINE ROAD FROM C.R. 46-A TO S.R. 46; OWNER: TOWN CENTER COMMERCIAL DEVELOPMENT ASSOC.; PARCEL #141), CONSTITUTING A PORTION OF THOSE CERTAIN PARCELS OF LAND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2014, PAGES 1291, 1293 AND 1295 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31 (A) TINKLEPAUGH NAIL & DISK), THENCE RUN S 89°48'38" E ALONG THE SOUTH LINE OF SAID SECTION 31 FOR A DISTANCE OF 1517.96 FEET; THENCE RUN N 00°02'39" E ALONG THE CENTERLINE OF THE ABANDONED S.C.L. RAILROAD FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N 89°48'38" W ALONG THE NORTH RIGHT-OF-WAY LINE OF C.R. 46-A FOR A DISTANCE OF 388.96 FEET; THENCE RUN N 00°05'32" W ALONG THE EAST LINE OF WEST 1129.80 FEET OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 31 FOR A DISTANCE OF 45.00 FEET; THENCE RUN S 89°48'38" E FOR A DISTANCE OF 241.86 FEET; THENCE RUN N 85°32'53" E FOR A DISTANCE OF 87.49 FEET; THENCE RUN N 00°02'39" E ALONG A LINE 60.0 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF THE FORMER S.C.L. RAILROAD (OFFICIAL RECORDS BOOK 1711, PAGE 1974) FOR A DISTANCE OF 1076.66 FEET; THENCE RUN S 89°48'38" E ALONG THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE SW 1/4 OF SAID SECTION 31 FOR A DISTANCE OF 60.00 FEET; THENCE RUN 00°02'39" W ALONG SAID S.C.L. RAILROAD CENTERLINE FOR A DISTANCE OF 1122.74 FEET TO THE POINT OF BEGINNING.

**MINUTES FOR REGULAR MEETING OF THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/  
PLANNING AND ZONING COMMISSION  
WEDNESDAY, JUNE 6, 2007  
7:00 P.M.**

**Members present:** Matthew Brown, Walt Eismann, Kim Day, Melanie Chase, Ben Tucker, Rob Wolf, and Dudley Bates.

**Also present:** Tina Williamson, Acting Planning Manager; Ian Sikonia, Senior Planner; Austin Watkins, Planner; Kathleen Furey-Tran, Assistant County Attorney; Dori DeBord, Director of Planning and Development; Bryan Potts, Development Review Manager; Tony Walter, Principal Coordinator; and Candace Lindlaw-Hudson, Clerk to the Commission.

**International Parkway / Westin PUD; YRG Hotel Group II, LLC / Rick Blackburn, applicant;** 8.15± acres; Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and Rezone from OP (Office) to PUD (Planned Unit Development); located on the northwest corner of International Parkway and CR 46A. (Z2007-1 / 01-07SS.01)

Commissioner Carey - District 5  
Ian Sikonia, Senior Planner

Mr. Sikonia stated that the requested zoning would allow for a maximum of 263 hotel units or a target industry use and a maximum of 25,000 square feet of accessory commercial use or office uses with a maximum non-residential FAR of 1.0 or less. Staff has determined that the requested use is compatible with the surrounding properties, including Colonial Town Park PUD, Colonial Centre PUD, and Gunter Village PUD. These adjacent PUDs all allow for hotels and a mixture of office and commercial uses such as those proposed on the subject property. The applicant is also requesting a maximum building height of 110 feet, which is being mitigated by increasing the west setback as the height increases. The bulk of the building height will be concentrated on the eastern side of the property, away from the townhome development to the west. Buffers will separate the proposed property from the townhome development to the west.

One issue that staff is in disagreement with the applicant is on the number of access points to be allowed on International Parkway. Staff has reviewed the plan and cannot agree with two access points there. However, in the

Development Order, staff is recommending approval of the request with one access point.

Commissioner Tucker asked for the height of the tallest building out in the area now – that has been approved to date. What impact will this have to the Fire Department?

Mr. Sikonia said that the nearest building that would be similar in height to this is the Marriot in the City of Lake Mary. They have approval for 100 feet or 10 stories, whichever is less. The Marriot is in the HIBC (Heathrow International Business Center).

Commissioner Tucker asked if anything else in unincorporated Seminole County were this height. He knew of one structure in Altamonte that had this height. Did Mr. Sikonia think that this would be built and then annexed into the City?

Mr. Sikonia stated that he did not know what the City of Lake Mary was going to be doing. A portion of the HIBC across from this site was annexed into the City of Lake Mary. Fire Safety has reviewed this height issue. They will need to see the site plan of the building to make an actual judgment of the structure.

Steve Cooper spoke for the owner. He stated that this project was bringing 13,000 square feet of convention and meeting space to Seminole County with this target industry project of the Westin Hotel. One thing to address tonight is to request the one access on International Parkway. He asked that in the Development Order, paragraph “N” that the “one” be changed to a “two.”

Mr. Cooper said that he has met with the developers of an adjacent property to reach a general understanding with enhanced buffers. Consequently, he requested that in paragraph “K” after the first sentence that ends in the words “parking stalls” the wording would read, “All areas west of the hotel building shall be green space.” That area will be landscaped or green and will not be impervious.

Commissioner Eismann asked if the language in “K” was being inserted into the paragraph with no further changes.

Mr. Cooper said that it would be as it was with the addition of the language just mentioned.

Commissioner Wolf asked if the large foliage was going to be retained on site.

Mr. Cooper said that Charlie Madden would address that issue when he speaks.

Commissioner Brown asked about the distance from the building to the wall.

Mr. Cooper said that it is about 40 feet.

Charles Madden addressed the access question. A county trail goes along the frontage of the property. The property has about 1200 feet of frontage on the trail. This property is made of 4 parcels. He could have two access points if the parcels were sold separately. There is one access now. He is asking for an additional access point. During the peak hour of the day, a traffic engineer hired by Mr. Madden projects one car per minute entering the site using two access points, or one car every 30 seconds with one access point. The entrances are 1200 feet apart. That is a long distance.

Commissioner Brown asked for the distance from the intersection to the first access point.

Mr. Madden said that the distance was approximately 250 feet to 300 feet.

Commissioner Brown said that at least 200 feet would be needed if a pedestrian bridge is built for the trail.

Mr. Madden said that placing the entry into the site is important for the hotel and its business also. People have to have convenient access. He is asking for two right-in, right out accesses. He has been told that a cut-across will not be allowed.

Commissioner Wolf asked about the retaining of the larger oaks on the property.

Mr. Madden said that trees will come down for the buildings, but in the lots 9 foot parking spaces are being requested in order to have parking islands for trees. If the trees cannot be retained the islands will be nicely landscaped.

Julie Kendig spoke on behalf of Kolter Properties. Her client owns the townhome property to the west of this development. She supports Mr. Cooper's changes to the Development Order. She hopes that by the BCC meeting details can be worked out pertaining to the consistency of the buffer and what will be placed in the buffer.

Larry Collins owns Legacy Academy for Children on International Parkway. He said that a traffic light is needed by Colonial Grande apartments. There is a turn around there that would be used for the people going back toward the proposed hotel. Traffic is heavy there. One of the teachers from his school was killed at that point recently.

Commissioner Chase asked what entry way was being recommended by staff.

Mr. Sikonia stated that the County Engineer recommended one access point.

Bryan Potts said that the engineer wanted only the eastern most access, farthest away from the intersection. He was concerned about traffic stacking and cross movement within the site.

Commissioner Chase asked if there would be two access points if the site were developed as 4 separate businesses.

Mr. Potts said that more than likely, there would be two accesses with a frontage road and shared access agreements.

Commissioner Chase said that she works in the area, and there is little traffic in the area.

Mr. Potts said that the forum for requesting a waiver for access is the BCC.

**Commissioner Eismann made a motion to recommend approval of the request for a Small Scale Land Use Amendment from OFF Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings; with a change to item “K” to read “Any space west of the building will be green space” and under “N” the language is to be changed to two access points with no access closer than 250 feet from the intersection.**

**Commissioner Wolf seconded the motion.**

Commissioner Wolf verified that this commission does not have anything to do with the installation of traffic lights.

Commissioner Brown said that the road had been designed with stacking lanes anticipating future development. Using too big a buffer can hurt commerce.

Commissioner Eismann said that Larry Collins should go to traffic engineering or his BCC commissioner to address the need for a traffic light. The Planning and Zoning Commission does not address traffic lights.

**The motion passed unanimously (7 – 0).**